



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

May 29, 2015

**Re: Dovetail Energy, LLC  
Notice of Violation (NOV)  
NPDES  
Greene County  
1IN00305\*AD**

Mr. Bruce Bailey  
Vice President of Technical Affairs  
quasar energy group  
5575 Granger Road, Suite 320  
Independence, OH 44131

Mr. Tom Pitstick  
Pitstick Pork Farms, Inc.  
1146 Herr Road  
Fairborn, OH 45324

**Subject: Ohio EPA Nos. 29-00405, 29-00406, 29-00407 (Field IDs GRQ-01-11, GRQ-01-13, GRQ-01-14)**

Dear Mr. Bailey and Mr. Pitstick:

On May 29, 2015, Ohio EPA received a complaint alleging that the beneficial use of biosolids was being performed in close proximity to a creek at a site located along Yellow Springs Fairfield Road in Bath Township, Greene County. Ponding of biosolids was also observed at these sites. According to Ohio EPA records, the complaint allegations were occurring at Ohio EPA Sites 29-00405, 29-00406 and 29-00407 (Field IDs GRQ-01-11, GRQ-01-13 and GRQ-01-14).

**Complaint Inspection Findings**

On May 21, 2015, Ohio EPA performed inspections of Ohio EPA Sites 29-00405, 29-00406 and 29-00407 (Field IDs GRQ-01-11, GRQ-01-13 and GRQ-01-14) and documented the following:

- The temperature was approximately 55° and cloudy with a wind blowing to the east.
- The contract applicator had just completed the beneficial use of biosolids at Ohio EPA Sites 29-00405, 29-00406 and 29-00407 (Field IDs GRQ-01-11, GRQ-01-13 and GRQ-01-14).
- A strong odor was detected at the authorized sites and along Yellow Springs Fairfield Road. No nuisance odor complaints were received.
- Appropriate signage was posted at the entrance to the beneficial use sites; however, at Ohio EPA Sites 29-00405 and 29-00407, the signs were not visible from the road.
- Biosolids were observed near the creek that flows adjacent to Yellow Springs Fairfield Road. Measurements indicate that biosolids were present approximately twenty-six feet from the roadside creek on the east side of the entrance to Ohio EPA Site 29-00407.

**The beneficial use of biosolids occurring within thirty-three feet of surface waters of the state constitutes violations of ORC Chapter 6111.07, OAC Chapter 3745-40-08(C)(1), and Part II.G of NPDES permit no. 1IN00305\*AD.**

- Biosolids were observed on the surface in several locations along the edges of Ohio EPA Sites 29-00405, 29-00406 and 29-00407; however, ponding was not noted.
- Biosolids were observed at the field on the south side of Yellow Springs Fairfield Road where a dragline had been disconnected. This field has not been authorized for beneficial use; however, a beneficial use application for this site (Field ID GRQ-05-05) was received by Ohio EPA on May 26, 2015 and is still under review. The dragline ran along the creek adjacent to the field and through the pipeline under Yellow Springs Fairfield Road to Ohio EPA Site 29-00405.
- The agronomic rate calculations for the beneficial use site were requested during the visit to the facility but were not readily available since they were with the contract applicator.

#### **Corrective Action**

The following corrective actions must be implemented for all sites authorized for the beneficial use of biosolids from the Dovetail Energy, LLC facility:

- Ohio EPA was informed during the visit to the facility that thirty-three feet buffer zones were observed between biosolids application and the creek, however, at the time of the inspection biosolids runoff had occurred that resulted in the violation of the isolation distance requirement. Ohio EPA understands that the nature of the injection equipment used involves the potential for biosolids to remain on the surface of the field, particularly when making turns. Therefore, care should be taken to provide additional isolation distance to account for potential runoff to ensure that the thirty-three feet isolation distance is maintained and/or biosolids that remain on the surface where turns are made shall be incorporated within six hours to minimize the potential for runoff.
- Ohio EPA highly recommends that standard operating procedures (SOPs) and a spill prevention plan be developed for sites where a dragline system is being used to transport biosolids. In addition, sites where draglines will be used shall be authorized by Ohio EPA for the beneficial use of biosolids. A list of sites where draglines will be used and the location(s) where draglines will be placed through pipelines under roads shall be provided to Ohio EPA. **Please provide the SOPs, spill prevention plan and list of sites with draglines to Ohio EPA no later than June 19, 2015.**
- **Please submit the following for Ohio EPA Sites 29-00405, 29-00406 and 29-00407 (Field IDs GRQ-01-11, GRQ-01-13 and GRQ-01-14) by June 19, 2015:**
  1. A copy of the notice and necessary information;
  2. The soil pH and phosphorous analytical results. The most recent soil results on file at Ohio EPA are dated March 2012;
  3. The agronomic rate calculations;
  4. Forecast or actual precipitation data;

May 29, 2015

Page 3 of 3

5. Records indicating the date(s) that signs were post. Please ensure that signage is unobstructed from view.

If you have any questions, please contact me at (614) 644-2150 or via email at [betsy.vanwormer@epa.ohio.gov](mailto:betsy.vanwormer@epa.ohio.gov).

Sincerely,



Betsy P. L. VanWormer, P.E.  
Environmental Engineer II  
Ohio EPA - Division of Surface Water

ec: Erin Sherer, DSW - CO  
Ned Sarle, DSW - SWDO  
Chris Moody, DSW - NEDO  
Andrew Gall, DSW - NWD